

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARNOLD WALTON and	:	CIVIL ACTION
ELIZABETH M. WALTON,	:	
parents and natural guardians of	:	
SALIYMA WALTON, SALIYM WALTON and	:	
HANIFAH WALTON	:	
_____v._____	:	
COURT OF COMMON PLEAS, LYCOMING, et al. :		NO. 06-cv-1103

MEMORANDUM AND ORDER

On March 14, 2006, petitioners filed the above-captioned petition in this court seeking Habeas Corpus relief. In this petition, the petitioners, Mr. and Mrs. Walton, attack a decision of the Children and Youth Services Department of Lycoming County, Pennsylvania; the Waltons allege that their children were illegally removed from their custody. The Antiterrorism and Effective Death Penalty Act of 1996 (commonly known as "AEDPA," and codified as Title 28, Sections 2241 through 2266 of the United States Code), provides that Habeas Corpus petitions may only be granted to persons "in custody." Mr. and Mrs. Walton reside in their own residence on Locust Street in Philadelphia, Pennsylvania; they are clearly not "in custody;" moreover, this court is unaware of any precedent that would allow for a party to attack a state actor's decision related to family law or domestic relations law by means of AEDPA.

Accordingly, this _____ Day of March, 2006, it is hereby

ORDERED that this civil action is **DISMISSED WITH PREJUDICE**, and, it is further

ORDERED that the Clerk of the United States District Court for the Eastern District of Pennsylvania shall mark this matter as **CLOSED** in this court for all purposes, including statistics.

S/ PETRESE B. TUCKER
PETRESE B. TUCKER, U.S. District Judge